

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

DOUG AND LINDA MCCOY,

PLAINTIFFS

v.

CASE NO. 07-1014

AUGUSTA FIBERGLASS COATINGS, INC.

DEFENDANT

AMICUS MUTUAL INSURANCE COMPANY

INTERVENOR

ORDER

On July 2, 2008 a judgment was entered for the defendant to pay compensation to the plaintiffs. As a result of that ruling, Plaintiffs Doug and Linda McCoy have submitted a bill of costs in the amount of \$16,713.06 (Doc. 127). Defendant has moved to disallow all but \$1614.42, contending the remainder of the bill includes witness fees and expenses that were improperly included. (Doc. 132).

Under Federal Rule of Civil Procedure 54(d)(1), costs "shall be allowed as of course to the prevailing party unless the court otherwise directs." The court has the authority to tax "Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case", "[f]ees for exemplification and copies of papers necessarily obtained for use in the case", and "[f]ees and disbursements for printing and witnesses" as costs. 28 U.S.C. § 1920. Recoverable witness fees are limited to \$40 per day. See 28 U.S.C. § 1821(b). The statute limiting witness fees covers witnesses both at trial and at a

deposition. See 28 U.S.C. § 1821(a)(1).

Defendant objects to the inclusion of expert witness fees, the necessity of some depositions, costs and fees paid to Dr. McWilliams, travel costs related to the deposition of Michael Hawkins, and costs for internet research not used at trial.

The following costs will be allowed in accordance with 28 U.S.C. § 1920.

Witness Fee for Lenora Matouk	\$40
Witness Fee for Dr. Irene Scaltsas	\$40
Witness Fee for Jay Marsh	\$40
Filing Fees	\$350
Process Service	\$400
Necessarily Incurred Court Reporter's Fees	\$2427.48
Deposition Witness Attendance Fees	\$160
Non-Expert Trial Witness Fees	\$80
Color Photographs	\$42.67
Medical Records Production	\$72.91
Total	\$3653.06

The plaintiff's Bill of Costs for \$16,713.06 is reduced to \$3653.06. Defendant's objection to plaintiff's bill of costs is granted in part based on reduction of expert witness fees to their statutory limit, disallowance of some deposition fees, including those of Buster Finuf, disallowance of certain deposition related travel costs, and disallowance of internet research fees.

IT IS SO ORDERED.

Dated: August 18, 2008

/s/ Robert T. Dawson

Robert T. Dawson

United States District Judge